

RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 06-120

Rule No.: Chapters Comm 14 and Comm 60 to 66

Relating to: Fire Prevention Code and Wisconsin Commercial Building Code

Contact person for substantive questions:

Name James Quast

Title Program Manager

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Contact person for internal processing:

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1. Basis and purpose of the proposed rule.

The proposed rules update the standards for the Fire Prevention Code, ch. Comm 14 and the Wisconsin Commercial Building Code, chs. Comm 60 to 66, to incorporate and reference respectively the 2006 editions of model codes, the National Fire Protection Association (NFPA) and the International Code Council (ICC).

2. How the proposed rule advances relevant statutory goals or purposes.

Under various statutory authority and direction specified in chapter 101, the department is responsible to establish minimum standards for the design, construction and use of public buildings and places of employment in order to protect public health, safety and welfare. The proposed revisions to the Fire Prevention and Commercial Building Code reflect current national values and practices.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

There have been a few minor modifications to the rule analysis and no changes to the fiscal estimate. The changes under the rules analysis update the summary of the rules and information regarding the sprinkler regulations of other states.

FINAL REGULATORY FLEXIBILITY ANALYSIS

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☒ Final regulatory flexibility analysis not required. (Statement of determination required.)

Sections 101.02 (1) and (15), 101.14 (1) and (4), and 101.973 (1), Stats., authorize the department to promulgate rules prescribing minimum construction and operation standards and fire prevention standards for public buildings and places of employment, including multifamily dwellings. The proposed rules of Clearinghouse Rule 06-120 are minimum requirements to meet the directives of the Statutes, and any exceptions from compliance for small businesses would be contrary to the Statutory objectives which are the basis for the rules.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

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3. Nature and estimated cost of preparation of any reports by small businesses.
4. Nature and estimated cost of other measures and investments required of small businesses.
5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.
6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

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Name: James Quast

Title: Program Manager

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Legislative Council report recommendations accepted in whole.

☐ Yes

☒ No

1. Review of statutory authority [s. 227.15(2)(a)]

- a. ☐ Accepted
- b. ☐ Accepted in part
- c. ☐ Rejected
- d. ☐ Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

- a. ☐ Accepted
- b. ☒ Accepted in part
- c. ☐ Rejected
- d. ☒ Comments attached

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3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a. ☐ Accepted
 - b. ☒ Accepted in part
 - c. ☐ Rejected
 - d. ☒ Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a. ☒ Accepted
 - b. ☐ Accepted in part
 - c. ☐ Rejected
 - d. ☐ Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a. ☐ Accepted
 - b. ☒ Accepted in part
 - c. ☐ Rejected
 - d. ☒ Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a. ☐ Accepted
 - b. ☐ Accepted in part
 - c. ☐ Rejected
 - d. ☐ Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a. ☐ Accepted
 - b. ☐ Accepted in part
 - c. ☐ Rejected
 - d. ☐ Comments attached